

1885-005  
Lee Co.

Chancery Causes: Elisha Bishop vs. Robert Clark

CA-Debt  
T-Property



To The Honorable John A. Kelly Judge of The Circuit  
Court of Lee County

Humbly complaining, your Orator  
Elisha Bishop, would respectfully shew to your  
Honor, That at the August Term 1876 of the Cir-  
cuit Court of Lee County Virginia he obtained  
in said Court a judgment against Robert block  
of said County for the sum of \$416.69 with legal  
interest thereon from the 22<sup>nd</sup> day of January 1874  
till paid and \$7.58 costs, on which said judgment  
a writ of fieri facias was duly issued from the  
Clerks Office of said Court directed to the Sheriff  
of said County returnable to the Rule  
1876, which said writ was placed in the hands of  
Thomas S. Ely Sheriff of said County to be executed  
and was on the return day thereof returned by  
said Sheriff with the following return endorsed  
thereon, "No property found" Thos S. Ely S. L. C.  
Your orator will further shew your honor that for  
more certainty he sued out another writ of fieri facias  
against the goods and chattels of the said block  
which said writ was placed in the hands of Thom-  
as Ely Deputy for Thos S. Ely Sheriff of said County  
for execution Returnable to the February Rules 1877  
which said writ was returned with the following  
endorsement "No property found subject to levy  
Thomas Ely S. L. C. for Thomas S. Ely S. L. C. all of which  
more fully appears by reference to the said judgments



and said two writs of fieri facias with the returns thereon and oral copies of which are filed herewith as part here of Mooted respectively (A)(B)(C).

Your orator further states that the said Robert Clark is seized and possessed in fee simple of a Tract of land lying and being in said County containing more or less <sup>acres</sup>, and adjoining the lands of Martin Sims ~~to his~~ Jeremiah Mullins and others but for a more particular description thereof a copy of the deeds by which the same is holden is filed herewith as part here of Mooted (D); That your orator is advised that his said judgment, or part of which has been paid, is a lien under the statute law of Virginia on a said real estate. That the rents and profits of said land will perhaps pay his said judgment in five years. The premises considered your orator is without remedy at common law and relievable only in a court of equity where matters of this kind are alone cognizable. He therefore prays that the said Robert Clark be made a party defendant to this bill and that he be required to answer to severally allegations on oath, that he especially answer and say how much real estate he owns <sup>when situated &c.</sup> and what would be a fair cash rental value thereof per annum. That if the rents and profits will in five years pay your orator's judgment and costs, the costs of this suit and commissions of writing, that the same may be ruled as the



law directs but that if the rents and profits are  
insufficient therefor then that the said real  
estate or a sufficient quantity thereof ~~may~~  
may be sold to pay the same and that your  
Honor will grant unto your Orator such fur-  
ther and general relief as may be consistent  
with equity and the case requires.

May the Commonwealths writ of Habeas  
and as in duty bound he will ever pray &c

Morison & Duncan P. 2.



#6000 p4. 51

(M + D)

Elisha Bishop  
vs 3 Orig'l Bill  
Robert Clont

24th Feb. A B C D filed

1877 Feb. 1, Bill Filed, Spd.  
Executed, & Decree nisi.

" Mr. Decree nisi confirmed  
& set for hearing 4th Feb.

" Mr. Decree for setting.

" Aug. Decree & Contd.

1878. Contd.

1878. Mr. Aug. & Nov. Contd.

1879. Mr. Aug. & Nov. Contd.

1880. Mr. & Aug. Contd.

1881. Mr. Contd. Aug. Contd.

1882. Mr. Aug. & Nov. Contd.

1883. Mr. Aug. & Nov. Contd.

1884. Continued

1885. Mr. Decree final

C 4.72

A 15.00

S 5.00

\$20.42

Estimated 10.00

\$30.42



Elisha Bishop.

Plff

v.s.

3 In chcy,

Robert Clorick

Def.

This cause came on this day to be further heard upon the papers heretofore read the report of C. T. Duncan Special Commissioner this day filed in Open Court and was argued by Counsel. And it appearing by said report that the matters involved in this cause have been fully settled said report is confirmed and the cause stricken from the docket.

Oliver Bishop

vs  $\frac{3}{3}$  Deane final

Robert Clowds

Wm. Linn. 1886.

Entered O. B. page

14<sup>th</sup>

J. R. Gibbons D.C.

Enter this decree

J. A. K.

March 28<sup>th</sup> 1885



Delisha Bishop.

vs

Robert Brown

Plff

In chancery.

Deft

This cause came on again to be <sup>again</sup> heard on this 4<sup>th</sup> day of September 1877. upon the papers formerly read in the cause and the report of Special Commissioner C. F. Duncan filed on the 9<sup>th</sup> day of July 1877. and it appearing to the Court that said decree has been filed for more than ten days before the first day of this term, and that no exceptions have been filed thereto said report is confirmed. ~~On~~ consideration whereof it is adjudged ordered and decreed that said Commissioner proceed to collect the said several installments for which he rented said land as they become due, but before proceeding to execute this decree he will give bond before the clerk of this Court in the sum of One thousand dollars that he will faithfully pay the said money to the plaintiff when the same is collected and he will from time to time report his action to Court and this cause is continued till the next term.



Elisha Bishop

vs ~~3~~ Decr

Robert Clark

Entered page 659

Jas. W. Orr clerk

Enter  
In A.K.  
Apr 4/77



Eliska Bishop.

Plaintiff

25'

In Chancery

Robert Clark.

Defendant,

This cause came on this 31 day of March  
1877. to be heard on the bill and exhibits filed therewith.  
The process returned duly executed and was argued by counsel.  
And it appearing to the Court That The defendant  
has been duly summoned to answer the allegations of  
this bill for more than two months before the first day  
of this term and he still failing to appear answer  
plead or demur the bill is taken for confessed  
and it further appearing to the Court That the Plaintiffs  
judgment is a lien upon all the real estate of the  
defendant situated in this County, and it being  
admitted that the rents and profits of said real  
estate will in five years pay the Plaintiffs judgment  
interest and costs and the costs of this suit. On  
consideration whereof and for reasons appearing  
to the Court it is adjudged ordered and decreed  
That unless the said defendant do answer and  
for him shall within 30 days from the date  
of this decree pay to the plaintiff the full amount  
of his judgment interest and costs and the costs  
of this suit Then that C. L. Duncan who is hereby  
appointed a commissioner for the purpose  
do proceed at the front door of the Court house  
of Lee County on some Court day to rent all the  
lands belonging to the defendant situated in this  
County for a period deemed sufficient to pay the  
Plaintiffs debt interest and costs and the costs of <sup>this</sup> suit.



and costs and commissions of renting. The  
commissioner will require to be paid down in  
cash a sum sufficient to pay the costs of this  
suit and the costs and commissions of renting  
for the remainder he will take notes payable in  
annual installments bearing interest from date  
and with good personal security waiving the  
homestead exemption. But before proceeding to  
execute this decree the commissioner will give  
notice of the time, terms and place of renting  
by posting written notices at at least three  
public places in said county one of which  
shall be on the front door of the court house  
and another in the neighborhood of the land  
and he will report his proceedings to the next term  
of this court till which time this case is  
continued

Charles Bishop  
vs  
Grace

Robert Clark

Entered order book  
page 62 + 613.

James W. Conner

Enter  
J. W. C.  
Mar 31/77



To the Hon. John A. Kelly Judge of the Circuit Court  
of Lee County.

The undersigned who was, by decree of  
of your Honors Court rendered and pronounced  
on the 31<sup>st</sup> day of March 1877. in the Chancery Cause  
of Eliza Bishop vs. Robert Clark, appointed a Special  
Commissioner for the purpose of renting the  
lands of the said Clark in the bill mentioned.  
Respectfully reports that after giving notice of the  
true place and time of renting, by posting no-  
tices in the manner prescribed by said Decree,  
at the front door of the Court House of Lee County  
Va on Monday the 7<sup>th</sup> day of May 1877 your Com-  
missioner proceeded to rent the lands of the said  
Robert Clark for a period long enough to pay  
the judgment in the bill and proceedings mention-  
ed the costs of suit and Commissions of renting  
where the said Robert Clark agreed and undertook  
to pay the same for the use of said lands for  
the shortest period of time, and he executed  
to your Commissioner his notes, with James H.  
Jayne & E. S. Bishop for security for the sum of  
\$501.06, payable in three installments of \$167.02 each  
payable respectively on the 1<sup>st</sup> day of March 1878, 1879  
& 1880, which notes are filed herewith as part hereof  
marked 1, 2, & 3. Your Commissioner required  
him to pay down in cash the costs of suit & law  
costs of this suit and commissions of renting



as follow. to wit Costs at law \$700 Costs of  
Chancery suit \$25.42 Commissions \$19.96 agree  
making the sum of \$52.08. and of this sum  
your Commissioner retained as commissions  
the sum of \$19.66. and as Attorney the sum of  
\$15.00. he paid to James H. Orr. His fee bill  
in suit at law and this suit amounting to  
\$7.92 and took his receipt therefor which  
is filed here with marked (4) To Thom Ely  
Sheriff \$1.00 his costs in each suit and file  
his receipt marked (5) which covers still  
in your Commissioner's hands for estimate  
costs the sum of \$8.50 your Commissioner  
took notes bearing interest from date. He deems  
the surety ample and is of opinion that the  
sunting here made is more advantageous to  
both Plaintiff and defendant than any other  
perhaps that could be made he therefore  
recommends that the same be confirmed.

Respectfully Submitted

L. J. Duncan Special  
Commissioner



Elisha Bishop

vs. ~~3~~ Report No. 1  
of  
Leominster. Amherst

Robert Clarke

Filed July 7th 1877.  
James W. Orr. clerk







Elisha Bishop

Plff

vs

Robert Clarke

Def.

} In chcy.

To the Hon John A Kelly Judge of the  
Circuit Court of Lu County, Mo

The undersigned Special Commissioner  
in the above styled cause begs leave to report that  
~~that the notes presented to him as loan by~~  
Robert Clarke for the land rented to him has  
been fully paid. A part of the money was  
paid by the said Clarke ~~to the Plaintiff~~  
himself and the residue to your Court  
who has paid out all received by him  
and has taken proper receipts therefor  
except the sum of \$                which is now  
in his hands ready for payment.

There remains nothing else to be done and  
the cause may be stricken from the docket

March 28<sup>th</sup> 1886

Respectfully submitted  
C. J. Duncan Special  
Commissioner.



Elisha Bishop  
vs General  
Report  
Robert Clark

Filed in Open Court  
by leave thereof  
March 28<sup>th</sup> 1885-  
J. H. Hasty att  
cc



Virginia,

At a circuit court continued and held for Lee  
County, at the courthouse thereof on Friday the 1st  
day of August 1876.

Cliff Bishop

vs

Robert Clark

Pltff.

Def.

In Debt.

The defendant not appearing, it is considered by the  
court, that the judgment obtained against him in  
the clerk's office for \$416.69 the debt in the declaration  
mentioned, with legal interest thereon from the 22nd  
day of January 1874, until paid and the costs, be  
made final.

64.00  
42.50  
37.50

A Copy

Teste J. H. Orr Jr. D. C.



Eliza Bishop  
vs <sup>3</sup> copy of <sup>3</sup> copy of  
Robert Clark

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(A)



# THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Lee county - - - - Greeting:

WE COMMAND YOU, THAT OF THE GOODS AND CHATTLES OF

*Robert Clark*

late in your bailiwick, you cause to be made \$ *416.67* with legal interest thereon, from the *22<sup>nd</sup>* day of *January* 187*4*, till paid; which *Elish Bishop*

lately, in our *circuit* Court of Lee county, has recovered against *him* by suit for *debt* also, \$ *7.00* which to the said *Elish Bishop* in our said Court were adjudged for *his* costs, in that behalf expended, whereof the said *Clark* is

convicted, as appears to us of record. And that you have the same before the Judge of our said Court at the Court-House on the first Monday in *November* next, to render to the said *Bishop* of the *Debt* and costs aforesaid. And have then there this writ. Witness, JAMES W. ORR, Clerk of our said court, at the Court House, this *11<sup>th</sup>* day of *September* 187*6*, in the 100<sup>th</sup> year of the Commonwealth.

*James W. Orr* CLERK.

*A copy*

*Teste R. W. Orr Jr. S. C.*

*6.00*  
*a 2.50*  
*3 30*  
*11.80*  
*4.00*  
*7.80*



99) (5) (p. 22)

Charles Bishop

1813 }  
3 }

Robert Clark

See index 1876

no property found

Chas. S. G. S. S. S.

Wm. W. W. W. W.

(183)



By the first day of March 1877. We or either  
we bind ourselves him to pay C. T. Duncan  
Commissioner in the Chancery cause of  
Elisha Bishop against Robert Clark the  
sum of One hundred and sixty seven dollars  
and two cents with interest from date Value  
received. And as to this obligation we and  
each of us waive the benefit of our homestead  
exemption. Witness our hands and seals  
this 7<sup>th</sup> day of May 1877.

Robert Clark Seal  
James W. Maynard Seal  
E. S. Bishop Seal



1879 Feby 15<sup>th</sup> by cash \$12922

(2)

(5)



Received of L. S. Demoreau Court in the Chancery  
Cause of William Bishop vs Robert Clark. Seven dollars  
& 72 Cents my costs in said cause, to wit 1877.

May 12th 1877.

James W Orr, Clerk.

At law	2.00
In chy	4.72
	<hr/>
	\$ 7.72





Robert Clark -

To. C. L. Duncan, Commissioner.

To Note. Granted for Bishop's debt due 1<sup>st</sup> day  
of March 1879. with interest from 7 May 1879 167.00

Interest on same to Nov 22. 79 25.47

Or By Receipt of Jam Warner, Nov 22 79.  $\frac{15.00}{\$104.7}$

Interest on same to 1<sup>st</sup> March 1880  $\frac{2.70}{13.17}$

By Jam Warner Receipt.  $\frac{10.00}{3.17}$

Interest to Dec 23. 1880.  $\frac{8.07}{11.24}$

Or By Jam Warner Receipt. Dec 23 80.  $\frac{5.00}{6.24}$

Int to April 14<sup>th</sup> 1881.  $\frac{3.06}{9.30}$

Or By Jam Warner Receipt dated April 14/ 81.  $\frac{176.32}{20.32}$

Int on same to Nov 28<sup>th</sup> 1881.  $\frac{156.02}{5.86}$

Or By Jam Warner Receipt dated Nov 28 1881.  $\frac{182.18}{19.85}$

Int on same to Nov 29<sup>th</sup> 1881.  $\frac{\$142.33}{71}$

Or By Jam Warner Receipt dated Dec. 29 1881.  $\frac{143.04}{5.00}$

Int to Dec 29<sup>th</sup> 1882  $\frac{\$93.04}{5.58}$

Int to March 1<sup>st</sup> 1880

By cash  $\frac{\$20}{80.00}$

$\frac{98.62}{99.55}$   
 $\frac{20.00}{79.55}$   
 $\frac{80.00}{79.55}$



7 10 10  
\$ 2.10



# The Commonwealth of Virginia:

TO THE SHERIFF OF LEE COUNTY---Greeting:  
WE COMMAND YOU TO SUMMON *Robert Clark*

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the  
Clerk's Office, at *February* Rules next, to answer a bill in Chancery  
exhibited in our said Court against *him by Elisha Bishop*

And have then there this writ. Witness. JAMES W. ORR, Clerk of our said court, at  
the Court-House, this *27th* day of *January* 1877, in the *101st* year of the  
Commonwealth.  
*James W Orr. Clerk.*

1m42  
Elisha Bishop

vs } Spa in Chancery.

Robert Clark.

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Feb Rules 1877.

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Executed.

Wm Doyle D.S.  
for Thos Sely. S.L.C.